



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

## **Public Notice**

### **Re-authorization of Mariculture General Permit, GP-000-02**

Attached is the proposed re-authorization of the General Permit (GP) for authorizing private and commercial "soft" mariculture grow-out facilities. The purpose of this GP is to streamline permitting of an activity authorized by another State agency, The South Carolina Department of Natural Resources. Applicants for this GP will be required to follow procedures outlined in OCRM's existing General Permit application (DHEC form 3903).

**Please note that that the language "or oyster caged culture" has been added to the project description.** All other items remain the same from the 2002 authorization.

This GP will be in effect for five years from the date of re-authorization.

**Written comments will be received on this re-authorization until September 23, 2007 at the address listed below.**

**August 24, 2007**

**South Carolina Department of Health and Environmental Control  
Office of Ocean and Coastal Resource Management**

**GENERAL PERMIT**

**Permittee:**

**Permit Number:** GP-000-02

**Date of Issuance:**

**Expiration Date:**

**Location:** On and adjacent to tidelands critical area within the eight coastal counties of South Carolina.

This permit is issued under the provisions of the Coastal Zone Management Act of 1977 the South Carolina General Assembly and the Final Rules and Regulations of the SCDHEC-OCRM. **Please carefully read the project description and any Special Conditions, which** may appear on this permit, as they will affect the work, which is allowed. If no Special Conditions have been placed on this permit, then the work is authorized as described in the project description. The general conditions are also a part of this permit and should be read in their entirety.

**DESCRIPTION OF PROJECT:**

The plans submitted by you, attached hereto, show the proposed work consists of: installation and maintenance of commercial and/or private soft mariculture or oyster caged culture grow out facilities. This permit has been approved as stated, subject to the following conditions.

**SPECIAL CONDITIONS:**

1. Provided the permittee obtain and maintain a valid shellfish mariculture permit and approved operations plan from the South Carolina Department of Natural Resources. Proof of such permission must be furnished to SCDHEC/OCRM prior to construction placard issuance.

2. Provided that no commercial mariculture operation will be allowed within 50' of an existing dock or block access to such dock unless conducted by the dock owner or with the dock owner's permission. If a dock is later permitted and constructed in a mariculture area, any affected mariculture operation must be moved to comply with this condition.
3. Provided each mariculture activity must file an operations plan as an addendum to this permit. This plan must address:
  - a) Description of proposed activities, including intended use of products, with maps showing actual coverage of critical area.
  - b) Potential environmental impacts and their mitigation.
  - c) Potential conflicts with existing co-users and their mitigation.
  - d) Navigational issues and plans for marking areas and identifying confinement structures.
  - e) Steps taken to guarantee removal of mariculture structures in case of abandonment.
  - f) Storm damage plan.
4. Provided all structures, such as holding pens, shall be designated to be as unobtrusive visually as possible, with navigation markers meeting Coast Guard requirements, if any.
5. Provided the permittee adopts Best Management Practices (BMP's). These BMP's must be updated as industry standards and technology changes.
6. Provided that private, non-commercial mariculture operations will be limited to no more than two hundred square feet of growing surface for bottom culture. These operations will be permitted only if the permittee owns adjacent highland and is a riparian property owner.
7. Provided that OCRM may require an individual permit if size, scope, or location warrants.

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5). BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS, AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE SCDHEC-OCRM MAY CONSIDER APPROPRIATE.

GP-000-02

<Date of Issuance>

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

John Public

\_\_\_\_\_  
(DATE)

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.

\_\_\_\_\_  
(MANAGER, CRITICAL AREA PERMITTING)

(DATE)

Curtis Joyner

or his Designee

Other Authorized State Official

## GENERAL CONDITIONS:

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within one year of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than sixty days prior to the expiration date.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That this permit may not be transferred to a third party without prior written notice to the OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferred subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of other. This permit authorizes no invasion of adjacent of private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.